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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KRISTIN KOPER, as an individual,

Plaintiff(s),

vs.

FIRST ADVANTAGE BACKGROUND  
SERVICES, CORP., and DOES 1-10  
inclusive,

Defendant(s).

**Case No.:**

**COMPLAINT FOR DAMAGES and  
DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff KRISTIN KOPER (hereafter "Plaintiff") files his Complaint for Damages and Demand for a Jury Trial against Defendant FIRST ADVANTAGE BACKGROUND SERVICES, CORP. and DOES 1-10 inclusive (hereinafter collectively as "Defendants"), and alleges as follows:

**NATURE OF THE ACTION**

1  
2 1. Defendant is an employment screening company that furnishes  
3 employment screening reports to prospective employers. Its reports include information  
4 related to an applicant's criminal history.

5 2. In August 2021, Plaintiff applied to work for Walmart Inc.

6 3. In connection with Plaintiff's employment application, Walmart offered  
7 conditional employment to Plaintiff on the basis that Plaintiff pass a background check.

8 4. On or about August 5, 2021, Defendant furnished an employment  
9 background check report ("Report") regarding Plaintiff to Walmart.

10 5. The Report erroneously disclosed that is a self-disclosed convicted sex  
11 offender.

12 6. Plaintiff has never been convicted of any sex offense, has never been  
13 required to register as a sex offender, and a search through the federal government's sex  
14 offender registry has revealed that Plaintiff is in fact not registered as a sex offender.

15 7. A simple search through the United States Department of Justice Website  
16 located at <http://nsopw.gov> readily reviews that Plaintiff is not a registered sex offender.

17 8. Defendant's disclosure that Plaintiff is a sex-reported sex offender caused  
18 Plaintiff to lose valuable employment opportunity.

19 9. Plaintiff has never been rehired even following Plaintiff's dispute. Plaintiff  
20 was instructed to "reapply" after several months. Plaintiff reapplied with her prospective  
21 employer every few months in an attempt to obtain employment. To date, Plaintiff has  
22 never been hired back despite her multiple employment applications.

23 10. Under the FRCA, specifically 15 USC § 1681e(b) Defendant was required  
24 to use reasonable procedures to ensure the maximum possible accuracy of the information  
25 it reported about Plaintiff to Walmart Inc. Failing to ensure an exact name match is a clear  
26 violation of this statute.

27 11. As a direct result of Defendant's failure to verify public records, Plaintiff  
28 was denied employment with Walmart Inc.

1           12. Defendant did not have defined processes to verify the accuracy of the  
2 public records information provided.

3           13. Plaintiff suffered, and continues to suffer actual damages and emotional  
4 distress as a result of the denial of employment.

5           14. Accordingly, Plaintiff seeks recovery for her actual damages, including  
6 loss of earnings, emotional distress, and damage to her reputation. Moreover, Plaintiff  
7 seeks statutory penalties, punitive damages, as well as attorney's fees and costs.

8  
9 **THE PARTIES**

10           15. Plaintiff is an individual and resident of Fruita, Colorado.

11           16. Defendant is a consumer reporting agency within the meaning of the  
12 FCRA, specifically 15 USC § 1681a(f).

13           17. Defendant First Advantage is a consumer reporting agency, and is and at  
14 all times herein mentioned was, a Foreign Corporation registered to do business in the  
15 State of Georgia, with its principal place of business at 1 Concourse Parkway, N.E., Suite  
16 200, Atlanta, Georgia 30328. It may be served by Service of Process upon its registered  
17 agent, Corporation Service Company, at the address of 2 Sun Court, Suite 400, Peachtree  
Corners, GA 30092.

18           18. Plaintiff is ignorant of the Defendants sued herein as DOES 1-10,  
19 inclusive, and therefore sues those Defendants by such capacities when such information  
20 is ascertained through discovery.

21           19. Plaintiff is informed and believes and thereon alleges that each of the  
22 DOES 1-10 Defendants is responsible in some manner for the occurrences herein alleged  
23 and that Plaintiff's damages as herein alleged were proximately caused by such  
24 occurrences.

25           20. Plaintiff is informed and believes and thereon alleges that, at all times  
26 herein mentioned, Defendants DOES 1-10, were principals or agents of each other and of  
27 the named Defendants and in doing the things alleged in this complaint, were acting in the  
28 scope of such agency and with the permission and consent of Defendants.

**FIRST CAUSE OF ACTION**

**(Violation of 15 U.S.C. § 1681e(b))**

21. Defendant willfully and/or recklessly violated 15 U.S.C. § 1681e(b) by disclosing inaccurate information, specifically Defendant failed to use reasonable procedures to ensure that the reported information belonged to Plaintiff.

22. The first requirement of identity matching within the background check industry is to ensure all criminal history reported belongs to client. As one of the nation's largest background screening companies, Defendant is well aware of this requirement.

23. Defendant's conduct was willful and/or reckless because it knew that its failure to ensure an accurate information in accordance with public records is insufficient to ensure maximum possible accuracy of the criminal history information reported.

24. Plaintiff is informed, and believes, and thereon alleges that Defendant failed to sufficiently conduct audits, reviews, or quality control of the information it reported.

25. Alternatively, Plaintiff alleges that Defendant's violations were negligent as Defendant did not utilize reasonable procedures to ensure the reported information about Plaintiff was accurate.

**SECOND CAUSE OF ACTION**

**[Violation of 15 U.S.C. § 1681k(a)]**

26. Plaintiff is informed and believes, and thereon alleges that Defendant willfully and/or recklessly failed to use strict procedures to ensure the reported information is complete and up to date despite knowing that the erroneous public record was likely to have an adverse effect upon Plaintiff's ability to obtain employment in violation of 15 U.S.C. § 1681k(a).

27. Alternatively, Plaintiff alleges that Defendant's violations were negligent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For statutory, compensatory, special, general, and punitive damages according to proof and as applicable against all Defendants;
2. For interest upon such damages as permitted by law;
3. For an award of reasonable attorneys' fees provided by law under all applicable statutes;
4. For the costs of the lawsuit; and
5. For such other orders of the Court and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby request and demand a jury trial on all issues triable by jury.

DATED: August 17, 2023

By:  \_\_\_\_\_

DEVIN H. FOK ESQ.  
**DHF LAW, P.C.**  
Attorney for Plaintiff